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Question of the Falkland Islands (Malvinas)

Letter dated 24 April 2015 from the Permanent Representative of the United Kingdom of Great Britain and Northern Ireland to the United Nations addressed to the Secretary-General

In accordance with instructions received from the Government of the United Kingdom of Great Britain and Northern Ireland, I have the honour to refer to the letter dated 30 March 2015 from the Permanent Representative of Argentina to the United Nations about the Falkland Islands (A/69/850) and the statement made on 24 March 2015 by the Secretary of State for Defence of the United Kingdom.

I regret that the letter from the Republic of Argentina requires me to write to you once more to rebut claims and complaints with which I dealt when I wrote to you on 27 January 2012. Unfortunately the Republic of Argentina has added new accusations which also require a response.

I should be grateful if you would circulate the present letter and its annex as a document of the General Assembly under agenda item 44.

(*Signed*) Mark **Lyall Grant**

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Annex to the letter dated 24 April 2015 from the Permanent Representative of the United Kingdom of Great Britain and Northern Ireland to the United Nations addressed to the Secretary-General

The United Kingdom has no doubt about its sovereignty over the Falkland Islands and surrounding maritime areas, nor about the Falkland Islanders' right to decide their own future, the right of self-determination as enshrined in the Charter of the United Nations and the International Covenant on Civil and Political Rights.

The United Kingdom rejects the Republic of Argentina's continued claims that the United Kingdom is militarizing the Falkland Islands. Any suggestion that the United Kingdom is seeking to threaten militarily either the Republic of Argentina or the wider region is without foundation. Our forces in the South Atlantic are entirely defensive, and are at the appropriate level to ensure the defence of the Falkland Islands against any potential threat. In fact, the United Kingdom's military presence on the Falkland Islands has significantly reduced over time. The figure peaked at over 20,000 personnel in the aftermath of the illegal Argentine invasion of 1982. In the mid-1990s it stood at around 1,800. And, since 2002, it has remained at around 1,200. That number is not expected to change as a result of the conclusions of the force posture review announced by the Secretary of State for Defence last month. The United Kingdom will continue to keep its force levels under review — it undertakes regular assessments of potential military challenges to the Falkland Islands to ensure that it retains appropriate levels of defensive capabilities — as it has done since they were deployed there in response to the invasion of the Islands by Argentina in 1982.

Accusations that the United Kingdom is creating "an unnecessary and unjustified tension in the region" are also unfounded. In stark contrast, the Republic of Argentina continues its policy of hostility towards the Falkland Islanders. The most recent and unacceptable example of this is the initiation by the Republic of Argentina of legal action against persons and companies involved in the development of the Falkland Islands' hydrocarbon industry under Law No 26.659, as amended in 2013 by Law No 26915, which purports to criminalize those involved in the Falkland Islands' hydrocarbon industry. This is an unlawful assertion of extra-territorial jurisdiction over activities taking place on the Falkland Islands' continental shelf. As such this is contrary to the United Nations Convention on the Law of the Sea. Any attempt to enforce this law internationally, as the Government of the Republic of Argentina has stated is its intent, would be contrary to international law and a gross misuse of international legal process. The Falkland Islanders' desire to develop their hydrocarbons industry, with the support and expertise of companies from around the world, is a legitimate commercial venture which has potential economic benefit for the wider economy of the South Atlantic region. It should not be subject to outside unlawful sanction or steps, which would be tantamount to a further attempt at an economic blockade of the Falkland Islands.

In its letter, the Republic of Argentina also calls for negotiations with the United Kingdom. But there can be no dialogue on sovereignty unless the Falkland Islanders so wish. The 2013 referendum — in which 99.8 per cent of those who voted wanted to maintain their current status as a territory of the United Kingdom —

sent a clear message that the people of the Islands do not want dialogue on sovereignty. The Republic of Argentina should respect those wishes.

The United Kingdom's relationship with the Falkland Islands, and all of its Overseas Territories, is a modern one based on partnership, shared values and the right of the people of each territory to determine their own future. Sadly, the Republic of Argentina continues to deny that these fundamental human rights apply to the people of the Falkland Islands, and also to act in ways which go against the principles established in the Charter of the United Nations.

In the spirit of fostering a positive and respectful approach, the United Kingdom urges the Republic of Argentina to respect the right of the Falkland Islanders, under the Charter of the United Nations, to self-determination — which includes the right to decide on the peaceful development of their economy.